

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL APPEAL No.912 of 2011

23.07.2018

Between:

Pulugu Raju

..Appellant/sole accused

and

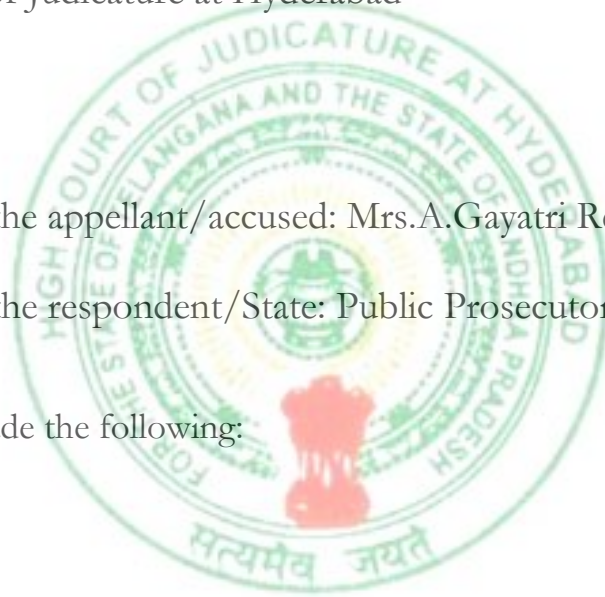
The State of Andhra Pradesh,
represented by its Public Prosecutor,
High Court of Judicature at Hyderabad

..Respondent

Counsel for the appellant/accused: Mrs.A.Gayatri Reddy

Counsel for the respondent/State: Public Prosecutor (A.P.)

The Court made the following:



JUDGMENT:(Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This is a case of brutal murder of an innocent three years old girl child of P.W.1.

2. The case of the prosecution as set out in the charge sheet filed by the Police is, briefly, stated hereunder.

(i) P.W.1 - the *de facto* complainant - Gunupey Manga, her husband – P.W.2 and the appellant/sole accused, who are labourers, are the natives of Andrangi Village, Kajuluru Mandal and belong to Scheduled Caste Community (Mala); that the accused is the son of paternal aunt of P.W.1 and he was unmarried at the time of occurrence; that the marriage of P.Ws.1 and 2 took place six years prior to the date of occurrence; and that out of their wedlock, they begot a female child *viz.*, Gunupey Navya (hereinafter referred to as 'the deceased'). That the accused had no respect for law and order and of desperate character; that four (4) months prior to the date of occurrence, the accused started living in Makam Shed in the coconut garden of P.W.5, near Yedida Road Junction, Mandapeta; that taking advantage of their family relation, the accused used to move with P.W.1 in her house and gained her confidence leading to illegal intimacy; that the accused, having lured P.W.1 on the pretext of giving better life to her

and her daughter – the deceased, eloped with her along with her daughter from the care and custody of her husband – P.W.2; that thereafter, the accused got addicted to alcohol suspecting the character of P.W.1, started coming to Makam shed during late nights by consuming alcohol and used to quarrel, abuse and also assault her frequently.

(ii) While so, on 08.12.2009 at about 8.00 p.m., the accused came to Makam shed by consuming alcohol and beat P.W.1 severely; that during the altercation, both P.W.1 and the accused came out of the shed and were quarrelling near the coconut tree by the side of the shed and fish tank-bund; that the deceased woke up and observing the quarrel went to her mother – P.W.1; that then, the accused became furious towards the deceased and saying that she was a hurdle between him and P.W.1 and she should not live, he pressed her neck and chest severely with his right foot resulting in blood coming out of her nostrils and her instantaneous death; and that immediately, P.W.1 took the deceased on to the road and the neighbours - P.Ws.3 and 4 and LW.5 viz., Kaki Sreenivasarao, who, on hearing the hue and cry of P.W.1, came to her and tried to give water to the deceased, but, she did not consume it as she died by then and then. That the accused taking P.W.1 into his

confidence saying that nothing happened to the deceased and that he would take her to the hospital, took them to the house of P.W.6 and L.Ws.8 and 9 viz., Poduri Manga and Poduri Suseela, respectively, in an autorikshaw and went away saying that he would comeback again without disclosing the death of the deceased, but, he did not turn up; that since the accused did not turn up till midnight, P.W.6 informed the matter to L.W.13 - Pulugam Kumar - the maternal uncle of P.W.1 and L.W.14 - Nunna Subbarao - the father of the accused and they came to the house of P.W.6 and L.Ws.8 and 9 at Maredubaka and took the deceased and P.W.1 to Bhimakrosupalem Village, Ramachandrapuram Mandal, left them in the outskirts and went away to avoid confrontation with the kin of P.W.1. That, P.W.1 went to the house of her brother - P.W.8, with the dead body of the deceased and informed him about the incident; that on receipt of information, P.W.7 and P.W.9 - the relatives of P.Ws.1 and 2, also came to Bhimakrosupalem Village and that P.W.9, on the contents stated by P.W.1, drafted a complaint. That on the next day i.e., on 09.12.2009 at about 11.00 a.m., P.W.1, having kept the dead body of the deceased at the house of her brother - P.W.8 at Bhimakrosupalem Village, went to Mandapeta Police Station along with her husband - P.W.2, and lodged the complaint.

(iii) On receipt of complaint, P.W.13 - the Sub-Inspector of Police, Mandapeta, registered a case in Crime No.148 of 2009 for the offences punishable under Sections 302 and 201 of I.P.C. and P.W.14 - the Inspector of Police, Mandapeta, took up the investigation. That on 10.12.2009, P.W.14 visited the scene of offence at Mandapeta, photographed the scene of offence, prepared rough sketch of the scene of offence, got prepared observation report of the scene of offence through P.W.10, and LW.17 (Mandapalli Bhanu) the Village Revenue Officers – I and II, respectively, of Mandapeta and examined PW.1 to 8, LWs.5, 8, 9 and 10 *viz.*, Kaki Sreenivasa Rao, Poduri Manga, Poduri Suseela and Nade Raghava, respectively, and recorded their statements under Section 161 Cr.P.C. That on the same day i.e., 10.12.2009, P.W.14 held inquest over the dead body of the deceased at the house of P.W.8 at Bhimakrosupalem Village before the inquest panchayatdars - P.W.10 and L.W.18 – Manthripragada Venkata Lakshmana Subrahmanya Sree Ramachandra Murthy – Village Revenue Officer, Bhimakrosupalem Village, and thereafter, sent the dead body for post mortem examination to the Area Hospital, Ramachandrapuram; that P.W.1 was also sent to the said hospital for treatment to her injuries caused by the accused

during the quarrel that took place on 09.12.2009 at night as she complained of severe body pains.

(iv) On 11.12.2009, P.W.14 arrested the accused, recorded his confessional statement before the mediators – P.W.10 and L.W.17 as to the commission of murder of the deceased and shifting of the dead body of the deceased to cause its disappearance. That P.W.11 –Dr.T.Durga Raju - the Civil Assistant Surgeon, Area Hospital, Ramachandrapuram, issued post mortem certificate of the deceased opining that the cause of death of the deceased was due to asphyxia caused by pressure on the front side of the chest and blunt injury on the abdomen leading to organ injury and death; that P.W.12 - Dr. B. Raju - the Civil Assistant Surgeon, Area Hospital, Ramachandrapuram, issued wound certificate of P.W.1 opining that the injuries were simple in nature and that on requisition on 19.12.2009, L.W.21 – Mr.M.Sreedhar, Additional Judicial Magistrate of First Class, Ramachandrapuram, recorded the statement of P.W.1 under Section 164 Cr.P.C. That the accused, thus, committed murder of the deceased and shifted the dead body of the deceased to cause its disappearance and thereby, committed the offences punishable under Sections 201 and 302 I.P.C.

3. Based on the charge sheet and the material collected by the Police during the investigation, the Court below framed the following charges.

“That first, you on or about 8.12.2009 at about 8.00 p.m. in the Makam shed of Aynavalli Subrahmanyam (L.W.6) at Mandapeta, did commit murder by intentionally (or knowingly) causing the death of a girl Navya aged 3 years, and thereby committed an offence punishable under Section 302 of the Indian Penal Code and within my cognizance.

That lastly, that you on the date, time and place mentioned in charge-1 supra, that certain offence of murder punishable with death or imprisonment for life, has been committed, did cause certain evidence of the said offence to disappear, with the intention of screening you from legal punishment, and thereby committed an offence punishable under Section 201 of the Indian Penal Code and within my cognizance.”

4. As the plea of the accused was one of denial, he stood trial, during which, the prosecution examined P.Ws.1 to 14 and got Exs.P-1 to P-13 marked. On behalf of the accused, no evidence was let in. On appreciation of the oral and documentary evidence, the Court below has acquitted the accused of the charge under Section 201 I.P.C., but found him guilty of the charge under Section 302 I.P.C. and convicted and sentenced him to undergo imprisonment for life and also

to pay a fine of Rs.5,000/- and in default of payment of fine, to undergo simple imprisonment for a period of six months.

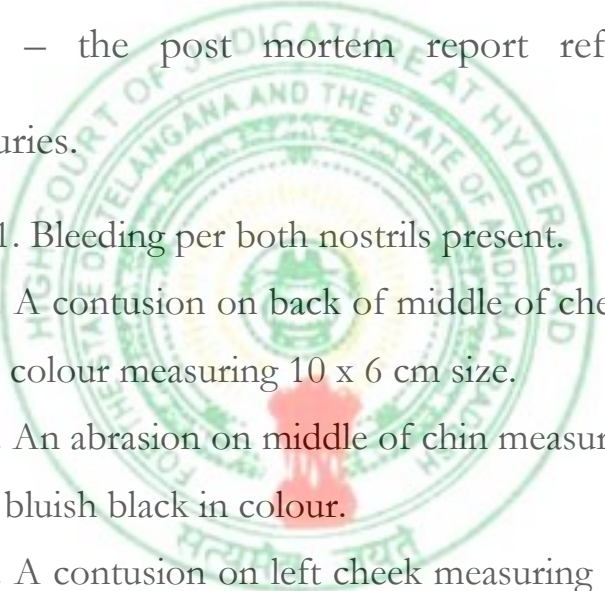
5. We have heard Mrs.A.Gayatri Reddy, learned counsel for the appellant/accused, and the learned Public Prosecutor (A.P.) appearing for the respondent/State.

6. The prosecution case is mainly based on the evidence of P.W.1 – the mother of the deceased and the eyewitness. It is P.W.1, who gave Ex.P-1 report. A perusal of the said report and the evidence of P.W.1 would show that her earliest version reflected in Ex.P-1 is completely corroborated by her evidence given before the Court. Nothing material could be elicited from P.W.1 in her cross-examination to discredit her version. She categorically stated as to the barbarous manner in which, the accused killed the deceased. Her testimony in this behalf reads thus.

“About one year back from now at about 8.00 p.m. in the night, the accused came to the makam shed of Subrahmanyam where we were staying in a drunken state, he was beating me, myself and the accused were at the coconut tree outside the makam shed. At that time, my daughter was sleeping and on hearing the sounds, my daughter woke up and came to me by saying as ‘Amma Amma’ (mother mother) and she was weeping. The accused caught hold of the tuft of hair of my daughter pulled her down. He kept his right

foot on the neck and chest of my daughter and kicked her and as a result there was oozing of blood from nostril of my daughter. Immediately, I took my daughter to a pan shop which is located on the road. The pan shop owner, hotel owner and another person came there, they sprinkled water on the face of my daughter. And they tried to give water to my daughter but she did not drink, they declared that my daughter died. They asked me as to what happened and I told them that the accused put his leg on the chest and neck and kicked her (peekameeda chathimeeda).”

7. Ex.P-7 – the post mortem report referred to the following injuries.

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- “1. Bleeding per both nostrils present.
 2. A contusion on back of middle of chest bluish black in colour measuring 10 x 6 cm size.
 3. An abrasion on middle of chin measuring 3 x 2 cm size bluish black in colour.
 4. A contusion on left cheek measuring 4 x 3 cm size brownish black in colour.
 5. A contusion on right side of abdomen measuring 10 x 4 cm size on opening puncture of right lobe of liver noticed measuring obliquely 10 x 6 cm size.”

8. As could be seen from the nature of the injuries in Ex.P-7 – the post mortem report as deposed by P.W.11 – the Civil Assistant Surgeon, who conducted autopsy over the dead body of the deceased, the overtacts attributed by P.W.1 to the

accused stand fortified through those injuries. P.W.3 – the pan shop owner to whom P.W.1 took the deceased, also fully corroborated the version of P.W.1. P.W.3 being a neutral witness has no axe to grind against the accused. The evidence of P.W.1 – the eyewitness having been amply corroborated by the evidence of P.W.3 and the medical evidence, we do not find any reason, whatsoever, to interfere with the judgment of the Court below. The Court below has rightly convicted and sentenced the accused as referred to above.

9. In the result, the Criminal Appeal is dismissed. The conviction and sentence recorded against the appellant/sole accused in judgment, dated 10.03.2011, in Sessions Case No.114 of 2010 on the file of learned I Additional Sessions Judge, East Godavari at Rajamahendravaram are hereby confirmed.

C.V.NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

23rd July, 2018
GHN

